

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

United States of America,

v.

Case No. 2:23-cr-175

Maurice L. Whyte, II,

Judge Michael H. Watson

Defendant.

OPINION AND ORDER

Maurice L. Whyte, II (“Defendant”) is charged with one count of being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). *See generally*, Indictment, ECF No. 7. Trial is currently set for December 4, 2023, ECF No. 26. The Government moved to continue the trial, due to the unavailability of a key witness. Mot., ECF No. 33. Defendant responded, opposing the continuance. Resp., ECF No. 34.

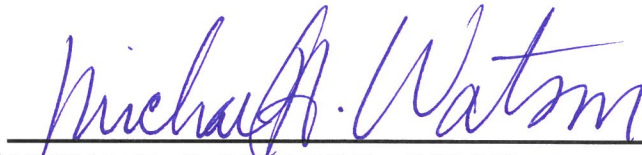
However, Defendant now files three separate motions—a motion suppress evidence and statements, ECF No. 37, and two motions to dismiss the indictment, one on Second Amendment grounds, ECF No. 38, and the other on speedy trial grounds. ECF No. 39. The motions will not be ripe until after the scheduled trial date.¹ Accordingly, trial is **CONTINUED** pending the Court's resolution of the motion to dismiss. *See* 18 U.S.C. § 3161(h)(1)(D) (providing

¹ The Government's responses to these motions are due **December 6, 2023 by 5:00 p.m.** Defendant's replies, if any, are due within **FOURTEEN DAYS** of service of the Government's response.

that the speedy trial clock is automatically tolled during “delay resulting from any pretrial motion, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion”). The Court takes no position on whether the Government’s stated reasons would warrant tolling of the speedy trial clock. Nonetheless, the Government’s motion to continue is **GRANTED** in that trial is continued pending resolution of ECF Nos. 37, 38, and 39. After the Court rules on those motions, the parties shall jointly file a proposed trial schedule **WITHIN THREE DAYS**.

The Clerk shall terminate ECF No. 33.

IT IS SO ORDERED.


MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT